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SPEECH

OF

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CHIEF OF STAFF U. S. A.

General Grant's Views in Harmony with Congress.

AUTHENTIC EXPOSITION OF HIS PRINCIPLES.

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Major General John A. Rawlins is known to the country as the able Chief of Staff of the Army of the United States, and the accomplished and confidential Staff Officer of General U. S. GRANT himself. General Rawlins has been in the closest relations with his great Chief, the Republican Presidential nominee, ever since the war began, and knows the opinions and policy of General GRANT better probably than any other person. Hence the significance which attaches to this speech, made at Galena, Illinois, June 21st, 1867, on the occasion of General Rawlins visiting that city, his former residence. It was undoubtedly prepared with General GRANT's knowledge and submitted to him before delivery:

FELLOW-CITIZENS: When a boy, bringing the produce of my father's farm—of his forests and of his quarries—to your market, I always met with favor and kindness. When grown to be a man, as a student of law I had your words of encouragement. When a practitioner of law, I had your support and patronage; and when the roll-call of the nation sounded to arms, with your fathers, your sons, husbands, and brothers, I went out from among you, with your blessings and your prayers, to aid in maintaining the supremacy of the Constitution and the Union; and after four years' participation in the bloodiest war ever waged among men, and two years' cognizance of the restoration of civil authority and constitutional government from its wreck and ruin, I come back to you and meet with a welcome, that, were it not for the friendship you have always evinced toward me, I should attribute wholly to my long, intimate association with that most successful of the world's military chieftains, General U. S. Grant, and the great cause in which he achieved success. For this welcome, friends of my boyhood, friends of my manhood, friends of my whole life, accept my sincere thanks.

Many of those who went from among you have not returned, and many who have are battle-scarred and maimed. This glooms your homes, and over your reception hangs like a pall. Where are those unreturned braves? Their bodies sleep in death on every battle-field and in every patriot cemetery in this broad land; but their souls awake in Christ—have found peace with the God of Washington and of Lincoln.

In no spirit of partisanship, but from the eminence of our nationality, let us review the cause of the war; the acts of the Government to prevent it, and, while it was raging, to induce its abandonment by those who controlled it; its effects upon the Constitution and the people of the United States, and upon the governments of the States that made it, and the acts of the Government to restore, to their proper efficiency and relation, everything effected by it. They are the questions with which

we are dealing to-day, and it is the part of wisdom to consider well the probable effect of this dealing on the future of our country and of mankind.

The Constitution adopted by our fathers, although the word slave or master does not appear in it, recognized their existence in the States, and provided for the protection of the master in his right to his slave in the apportionment of representatives and direct taxes, and in providing for the delivery up of persons held to service or labor in one State, who might escape into another, on a claim of the party entitled to such service or labor. In accordance with public opinion at the time, the Constitution was so formed that any one or all of the States might abolish slavery without any other effect than the increase of the representatives and taxes of the State or States abolishing it. It was thought by a majority of the distinguished statesmen who formed the Constitution that slavery would gradually and in time disappear from all the States. Massachusetts had abolished it, and it had been forever prohibited in the Northwestern Territory. Seven others of the States abolished it, but the increased value of slave labor put a stop to its abolition in other States, and there legislation tended to strengthen the title of the master and degrade the slave and free persons of his race. All sources of education were denied to them, and the right of suffrage, which free persons of color enjoyed in some of them, was taken away, and they were prohibited from coming into and settling in these States. In the free States, too, public opinion in support of compromises in the interest of slavery, that Southern threats of secession and disunion had forced them into, underwent a change, and in many of them disabilities were imposed upon free persons of color nearly, if not quite, as severe as in the slave States. The repeal of the Missouri Compromise, which, to get Missouri into the Union as a slave State, forever prohibited slavery in the territory north of 36 deg. 39 min. north latitude, aroused the people of the free States upon the subject of slavery in the Territories, and made a decided change in public opinion. But the decision of the Supreme Court in the Dred Scott case—that those of the enslaved African race, though free men, were not, nor could not be, citizens of any State, in the sense in which that word was used in the Constitution, and could not be parties to suits in any Federal court, not even to those involving their rights, under the laws, to freedom; that neither the enslaved African race nor their descendants, whether free or not, were included or intended to be in the Declaration of Independence, and formed no part of the people who framed and adopted the Constitution—returned public opinion in the free States to the point of its departure from the opinion of our fathers.

The correctness of this decision, which involved the right of slavery in the Territories, as well as negro citizenship, was the main issue in the Presidential election of 1860.

Against its correctness and justice, and in favor of Congressional prohibition of slavery in the Territories, was recorded a majority of the popular vote, in all the free States, of 293,767 in favor of Mr. Lincoln, and the electoral vote of every one of them, except four from New Jersey. From the slave States there were recorded against it, and in favor of Mr. Lincoln, 26,430. Mr. Lincoln had 180 of the electoral vote, to 123 for all others. The result was held by the slave States as destructive of their rights in the Union, and especially endangering their title to their slaves, notwithstanding the fact that in both branches of Congress they had a majority in their favor; that the decisions of the Supreme Court were in their interests, and that Mr. Lincoln, on the popular vote, was 930,170 in the minority. With this apprehended danger as a pretext, eleven of the States withdrew their representatives from Congress, and, in hostility to the Union, organized a government which they styled the Confederate States of America, in which slavery was to be forever perpetuated. Alexander H. Stephens, the Vice President of this rebel government, in his exposition of its constitution, and constrasting it with the Constitution of the United States, declared that the prevailing ideas entertained by Jefferson and most of the leading statesmen at the time of the formation of the old Constitution, were that the enslavement of the African was in violation of the laws of nations; that it was wrong in principle, sociably, morally, and politically; that it was an evil they knew not well how to deal with, but the general opinion of the men of that day was that somehow or other, in the order of Providence, the institution would be evanescent and pass away; that this idea, though not incorporated in the Constitution, was the prevailing idea at the time; that those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the idea of a government built upon it! When the storm came and the wind blew, it fell. "But our new government," he said, "is founded upon exactly the opposite idea. Its foundations are laid; its corner-stone rests upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This, our new government, is the first in the history of the world based upon this great physical, philosophical, and moral truth."

Upon the issues so clearly stated by Mr. Stephens war was made upon the United States, and for more than four years the lawful authority of the Union was resisted. Everything was done that could be done to induce the States and the people in rebellion to lay down their arms and return to their allegiance. The Territories of Colorado, Nevada, and Dakota, comprising nearly all our remaining territory, were organized without any prohibition of slavery. President Lincoln in his inaugural address, March 4, 1861, denied the purpose or lawful right of the Government to interfere with slavery where it existed, and declared that he would enforce the provisions of the Constitution for the surrender of fugitive slaves; that the Government would not assail the South, and that they could have no conflict without themselves being the aggressors. And Congress resolved, by an almost unanimous vote, on July 22, 1861, that the war was not waged on our part in any spirit of oppression, or for the purpose of overthrowing or interfering with the rights or established institutions of the States in rebellion, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity and equality of the several States unimpaired, and that as soon as these objects were accomplished the war ought to cease. But all these acts, declarations, and resolutions had no effect upon those in rebellion. They strengthened, however, our hold upon the border slave-holding States, and made many in the free States, who seemed to hesitate active supporters of the war measures of the Government, and answered the arguments of confederate agents to the crowned heads of Europe for recognition, that we were making war upon them with a view to their subjugation and the destruction of their individual rights. No nation ever before so literally obeyed the scriptural injunction, "that ye resist not evil, but whosoever shall smite thee on the right cheek, turn to him the other also." It was not until the seceding States opened their guns upon Fort Sumter that the majesty and manhood of the nation was aroused to resistance—a resistance the magnitude and grandeur of which was only equaled by the good resulting from it to the human race.

The only legislation in 1861 affecting slavery, after the war began, was to declare the forfeiture of the master's claim to his slave if he permitted him to be employed in any military or naval service against the Government. April 16, 1862, slavery was abolished in the District of Columbia. July 12, 1862, Congress passed a law declaring, among other things, that all the slaves of those engaged in rebellion thereafter, or were in any way giving aid and comfort therein, coming within the lines of the army and the control of the Government in the manner therein described, should be deemed captives of war and forever free; and authorizing the employment and enlistment of negroes in the army of the United States, and authorizing the President at any time thereafter by proclamation to extend pardons and amnesty to persons who might have participated in the rebellion, with such exceptions, at such times, and on such conditions as he might deem expedient for the public welfare. September 22, 1862, the President issued his preliminary proclamation of emancipation, in which he proclaimed that on the 1st day of January thereafter all persons held as slaves within any State, or part of a State, to be then designated, the people whereof should then be in rebellion, should be then thenceforward and forever free; that the fact that any State, or the people thereof, should on that day be in good faith represented in Congress, should, in the absence of strong corroborating testimony, be deemed conclusive evidence that such State, and the people thereof, were not then in rebellion against the United States, January 1, 1863, President Lincoln issued the emancipation proclamation as promised. The organization of negro troops was begun, and carried on with great success. During the war we had in the army over 200,000 of them, who, by their bravery and good fighting, proved the wisdom of the Government. They hurt the enemy by leaving his plantations, as well as by the deadly aim of their muskets. April 24, 1863, Mr. Stanton, Secretary of War, published to the country what the United States held to be the laws of war between them and a belligerent, which admitted of slavery, which was that if any person held in bondage by that belligerent was captured, or came as a fugitive under the protection of the military forces of the United States, he was immediately entitled to his freedom, and that a person so made free by the law of war was under the shield of the law of nations, and the former owner or State could have by the law of *post liminy* no belligerent lien or claim of service. December 8, 1863, President Lincoln issued a proclamation to the States and people in rebellion, extending amnesty and pardon to all, except certain classes therein specified, who would take an oath to support the Constitution and Union and the acts of Congress and the proclamations of the President relating to slaves during the rebellion, so long and so far as not repealed, modified, or made void by the Supreme Court, and promising the guarantee of the United States to any republican government in *no wise* contravening said oath that one-tenth or more of the voters therein mentioned as qualified to vote might establish. This was with the view of forming a nucleus around which the loyal people could gather for protection. Tennes-

see organized under this proclamation, and abolished slavery. Arkansas and Louisiana commenced but did not complete their organization to the satisfaction of the Government.

On the 18th day of July, 1864, President Lincoln gave notice to the people in rebellion that any proposition embracing the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and coming by and with an authority that could control the armies then at war against the United States, would be received and considered by the Executive of the Government of the United States, and would be met by liberal terms on substantial collateral points. The South still persisted in the maintenance of the rebel government, and the perpetuation of slavery. Sherman had not yet taken Atlanta, nor made his famous march to the sea. Early had not yet been defeated by Sheridan, nor the Shenandoah Valley so stripped of supplies that, in the words of Grant's order, "Crows flying over it would, for the season, have to carry their rations." Thomas had not broken to pieces Hood's army; nor had Grant destroyed and captured the army of Lee. Enough hundreds of thousands of men had not yet fallen victims to the fury of the rebellion, or been sacrificed upon the altar of freedom. The rebel government still maintained its power and authority, and sent forth its edicts of war, bitter war, from the gates of Richmond. It still persisted not only in not giving freedom to the slaves, but in not recognizing them as prisoners of war, when captured in our service, in our uniform, and under our flag. It continued in its ranks tens of thousand of prisoners who had been captured and paroled by us, without giving the equivalents required by the cartel agreed upon for the exchange of prisoners. To redress this gross injustice and violation of the laws of war, all exchanges were suspended, and continued suspended until the cry of our prisoners, "We starve, we starve," came to us from Belle Isle, Andersonville, and Salisbury. February 3, 1865, found Sherman moving from Savannah northward through the Carolinas; the forts at the entrance of Mobile and Fort Fisher, commanding the entrance to Wilmington, in our possession; and troops moving from Thomas' army, both east and south, by rail and river, to complete the capture of these important cities. The fragments of Hood's army moving to join the force under Hardee, that had fled from Savannah to interpose between Sherman and Richmond; and rebel commissioners, headed by their Vice-President, Alex. H. Stephens, in conference with President Lincoln and Mr. Seward, Secretary of State, in Hampton Roads, on the subject of peace. Mr. Lincoln still insisted upon the integrity of the whole Union, and the abandonment of slavery, and promised great liberality upon all collateral issues. But the representatives of the rebellion declined to accede to these terms. In March the rebel Congress authorized the enlistment of negro slaves in the Confederate service as soldiers. This was the first inroad of the rebel government upon the ideas on which it was founded. It was a concession that there was enough of the man left in the slave for a soldier, and entitled him to be treated, when captured, as a prisoner of war. It went far, too, toward removing the prejudice against him.

The war for the perpetuation of slavery, however, continued—the earth's thirst was still slaked by freemen's blood until the glittering bayonets of Grant's army flashed the sunlight in the face of Lee's, as they interposed between him and all hope of escape at Appamattox Court-House, and Johnston surrendered to Sherman, and Dick Taylor and Kirby Smith to General Canby, and all the conditions of the laws of Congress and of war, as announced by the Government, entitling the slave to freedom, were complied with, and the great emancipation proclamation of President Lincoln obtained throughout the land. The rock upon which the confederate government was founded was calcined, and the base fabric it supported sunk from the sight of men.

The South was one vast camp of paroled prisoners, and the four millions of slaves constituted as many millions of their free population, and the military authority of the United States alone afforded it protection. If the African or enslaved race had no Moses to lead them from the land of bondage, through the Red sea of deliverance, they had masters whose hearts were hardened by the Almighty, through the agency of the Liberty party, to inaugurate a civil war that made the very land in which they dwelt a sea of blood, which, when it arose sufficiently high to slacken their bonds so that they slipped from their limbs, Liberty's God bade the earth drink up, and left them free.

The restoration of the States that had been in rebellion to their proper relations with the Government required the action of both the President and Congress. President Johnson, who had succeeded to the Presidency upon the death of the lamented and immortal Lincoln, entered at once upon this important duty, and, had the Southern States filled their offices with men of the most approved loyalty among them, recognized not only the settlement of the question of secession, but also the settlement of the citizenship of the emancipated race among them, and their right to the benefit of all the laws for the protection of life, liberty, and property equally with white men, and extended to such as could

read or write or paid a certain amount of taxes the right of suffrage, as suggested to them by the President, and chosen representatives to Congress whose loyalty during the war was above question, with what they did do in the ratification of the constitutional amendment abolishing slavery and the repudiation of the rebel debt, it might have been concurred in by Congress and approved by the people. But as they did not do this, Congress through a joint committee of fifteen, known as the Committee on Reconstruction, instituted an inquiry into the character of their laws and governments, and their manner of administering justice, pending which their representatives were refused admission into Congress. At this time none of the prominent citizens in these States, or officers of the army and civil departments of the Government, thought it practical to withdraw the military force, for both whites and blacks mutually required its protection, and it was so reported officially to the Government.

On the 12th of January, 1866, official information from the South made it necessary, to protect officers, soldiers, and others, who had been connected with the army, and persons charged with offences done against the rebel forces during the rebellion, and the occupants and custodians of abandoned lands and property, to issue an order from the headquarters of the army directing, where it had not already been done, orders to be issued by local commanders prohibiting the prosecution of these classes for acts done under proper orders, or against the rebellion, in the State and municipal courts, and also to protect colored persons from prosecutions for offences for which white persons were not punished in the same manner and degree.

April 2 President Johnson issued his proclamation declaring the end ("except in Texas") of the insurrection which had existed in the seceded States, and that it was thenceforward to be so regarded. On the 1st of May, in an order relating to military courts and commissions in these States, the President directed that thereafter whenever offences committed by civilians were to be tried where civil tribunals were in existence which could try them these cases were not authorized to be, and would not be, brought before military courts, but would be committed to the proper civil authorities. The result of the Congressional inquiry into the character of the laws and governments of the seceding States, and the manner of administering justice there, was to satisfy Congress that the governments in those States were illegal or anti republican in form, and that the emancipated race was not afforded the equal protection of the laws with the governing class; that many of the disabilities that attached to them when slaves had not been removed, and that in fact in some districts they had no protection at all, owing to the prejudice of the governing class against them, and the neglect of the civil authorities to arrest and punish those who committed the crime of murder or other offences against them. Whereupon Congress, by virtue of the constitutional obligation guaranteeing to each State within the Union a republican form of government, and the provision that no person should be deprived of life, liberty, or property without due process of law, and its duty to settle the questions growing out of the war, passed the civil rights bill, and proposed an amendment to the Constitution known as "article fourteen." And as the rights of States in this Union to representation in Congress is not greater than their right to republican forms of government, and in fact depends upon the existence of such forms of government, Congress determined to withhold from the States lately in rebellion the enjoyment of the right of representation until they returned to their republican character, or ratified the proposed amendment to the Constitution, which, it was believed, would in the end result in their return to such character of government without further action or interposition of the General Government. This amendment was at once ratified by Tennessee, and her representatives, all of whom were loyal during the war, were admitted to their seats in Congress, and she has since extended the elective franchise to her colored citizens the same as her white ones. The civil rights bill met with great opposition in the South. The provision therein that citizens of every race and color, without regard to any previous condition, should have the same right in every State and Territory in the United States to the rights therein enumerated, among which was the full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and to be subject to like punishment with the white man and none other, instead of securing to colored persons the protection intended, seemed to increase their danger, in exciting and intensifying the prejudice of certain classes against them, and also against the officers of the army and of the Freedmen's Bureau, and those who were Unionists during the war. They were frequently murdered, and no attempts were made to arrest their murderers, although they remained quietly in the neighborhood. This failure to enforce the laws was sometimes from fear on the part of the better class of the people that their own lives and property would be endangered thereby, but more frequently from indifference on the subject. And when arrested and tried, they were generally acquitted, or the punishment inflicted was but trifling.

To remedy this condition of things, an order was issued from the headquarters of the army, June 6th, 1866, directing the military commanders there to arrest all persons who had been, or might thereafter be, charged with the commission of crime, when the civil authorities failed, neglected, or were unable to arrest and bring them to trial, and to hold them until a proper judicial tribunal might be willing to try them. August 20, 1866, President Johnson issued his proclamation, in which, after reciting among other things that adequate provisions had been made by military orders to enforce the execution of the acts of Congress, to aid the civil authorities, and secure obedience to the Constitution and laws, if a resort to military force for such purpose should at any time become necessary, he declared the insurrection that had existed in Texas at an end, and was thenceforth to be so regarded as the other States, and that peace, order, tranquility, and civil authority then existed throughout the whole of the United States.

The Constitution provides that representation and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The "all other persons" were slaves, and numbered, at the breaking out of the war, nearly four millions. They were regarded in the mixed character of person and property. Each one was three-fifths a person and five-fifths a chattel. He was a peculiar kind of property, and hard to hold, yet subject to taxation as any other kind of property. He was therefore invested with three-fifths of the human character, which was represented in the person of his owner. This enabled his owner to securely hold and enjoy him in the full character of a chattel, two-fifths of which was exempted from taxation. This was a compromise between those in the interests of slavery and those who desired its extinction. The provision for the return of fugitives from service to their masters was incidental to this, and applied as well to those bound to service for a term of years. The result of the war was the freedom of all the slaves, who, with the free persons of color, constituted more than two-fifths of the inhabitants in the eleven States in rebellion, and to render surplusage the words, "three-fifths of all other persons" in the Constitution, and settled the question of their right to citizenship adversely to the decision of the Supreme Court, as well as the right of secession forever. These were questions directly involved in the contest. These were the auxiliaries to slavery for which the seceding States made war, and with it slavery ended.

To hold otherwise, what would be its effect upon the States and citizens and their rights expressly derived from the Constitution? We would have four millions of people, each one a free agent to come when he pleases, and go when he pleases, at least in the State where he resides, free to enter into contracts with States and citizens, contracts that may become subjects of litigation. Yet he could not be made a party to any suit in any court provided for by the Constitution, nor could any suit in a State court in which is brought in question the validity of any statute of the United States be carried to any of these courts. He is not a citizen of any foreign Power. No citizen or State can enforce any rights they may have against him in any of these courts, no matter what the magnitude of their interests. This perhaps was a small matter when there was only a few thousands of these people, but when you increase them to millions it becomes a grave and serious one to the States and white citizens, but still more so to the colored race. Should not as many rights be accorded to liberty, under the Constitution, as were accorded to slavery? When the slave escaped into another State the master could follow him into that State, no matter what its laws might be, and carry him back to servitude. Ought not the free man now, that was the slave then, to have the right of a citizen of the United States to go to any State, and remain there, no matter what its laws?

The next question following that of citizenship is, have the seceding States any equitable constitutional right to representation for the persons made free by the war, without granting to them the right of suffrage? Had slavery been abolished by an amendment of the Constitution while their relations with the Government were undisturbed—or had they themselves peaceably, and in obedience to the laws and Constitution, abolished it, and made proper provision for the protection of the emancipated, and their rights of life, liberty, and property—their equitable constitutional right to this representation would not have been questioned. The greatest consideration the party to that compromise in the Constitution that desired the extinction of slavery had, after the securing of the Union, was the hope that the increased representation it would give would induce the States to emancipate their slaves. But the emancipation contemplated was peaceable, and in accordance with law, and not the result of violence and wrong. It may be said that these States have ratified the constitutional amendment abolishing slavery peaceably and in conformity to law. To this we answer their ratification of the amendment was after their slaves had been

freed. It was only a confirmation of that freedom which they were powerless to prevent, and advanced them one step nearer the restoration of their proper relations with the Government; and this advanced step in that direction is the only consideration they are entitled to for their ratification of it. The consideration to the Government was that it put the adoption of the amendment beyond all possible question; but as the destruction of this compromise, in the freedom of the slaves, was the result of their own wrong, they not only can have no equitable claim under the Constitution to any benefits flowing from it, however great they may be, but should forfeit to the persons of these freedmen the right to the three-fifths representation they had for them when they were slaves; and while they withhold from them the right of suffrage they not only are not entitled to representation for them, but they render questionable their republican form of government. These persons are no longer subjects to be bought and sold; their owners no longer pay the taxes assessed upon three fifths of their value to the General Government, which entitled them to represent their three-fifths human character. But they are now free, and pay taxes for themselves—all the taxes that are assessed, too, upon the full value of their property. And above and beyond all this, they furnished two hundred thousand soldiers, who freely shed their blood side by side with the two million heroes of our own race in the maintenance of the Union and the Constitution. If ever it could have been plausibly argued that they were not of the people who framed the Government, it can never be said that they were not of those who saved it. In view of these facts, and the further fact that the representation the States had for them was used as a means to secure and perpetuate their enslavement, ignorance, and degradation, now that they are free, in the name of justice and all that is honorable among men, are they not entitled to representation to preserve that freedom and to subordinate the soil they cultivated in slavery and ignorance to taxation for the culture and enlightenment of their children and the elevation of their race? If their ancestors had been freed in the war for independence, and fought side by side with our revolutionary sires in denial of the right of taxation without representation, what would our fathers have done? Why, sirs, they never would have questioned their right to representation. Shall we, their sons, then, after having fought the great battle in support of the idea of man's equality, upon which our Government is founded, which they fought, over again, refuse to avail ourselves of the opportunity we now have to invest the descendants of the enslaved race so far as is within our power with all the rights they would have had if their ancestors had all been free at the formation of the Constitution? When the compromise of human rights made by our fathers to secure the Union has been swept away by the very party in whose interest it was made, in its mad attempt to destroy the Union, will we any longer withhold from those whose liberties and human character were involved in that compromise the inalienable rights of man? No; we will restore to them these rights, as our fathers would were they living. James Madison, one of the authors of the Constitution and its ablest expounder, in discussing the subject of representation said: "It is only under the pretext that the laws have transformed the negroes into subjects of property that a place is disputed them in the computation of numbers, and it is admitted if the laws were to restore the rights which have been taken away the negroes could no longer be refused an equal share of representation with other inhabitants." Their right to representation when free was unquestioned. It was admitted by all the leading statesmen of that day. It was a right to be enjoyed by themselves, and not by the other inhabitants for them, and at the time of the adoption of the Constitution in at least five of the States they were entitled to and did enjoy the right of suffrage, and were represented in the convention that framed that instrument in the persons of every delegate from the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, and were of the people who, for themselves and their posterity, ordained it to be the Constitution of the United States of America. By the first section of the constitutional amendment now pending, citizenship of the United States and of the States is clearly defined, and not left to the discretion of the several States, or decisions of courts. It provides that all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside, and that no State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States, nor deprive any person of life or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. The second section, intended as a settlement of the question of representation, apportions representation among the several States according to their respective numbers, counting the whole number of persons in each State, and excluding Indians not taxed, but when the right to vote is denied to any of the male inhabitants, citizens of the United States, and over twenty-one years of age, except for crime, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole num-

ber of male citizens, twenty-one years of age, in the State. This secures the equal political power of voters in the Government. In deference of the acknowledged right of the State to regulate the question, suffrage was not expressly conferred upon the emancipated race, but, constituting so large a body of the people of many of the States, and affecting to such an extent as they do the representation, there was but little doubt that the States would extend to them that right. The Constitution defines treason against the United States to consist only in levying war against them, or in adhering to their enemies, or giving them aid and comfort, and empowers Congress to declare the punishment of treason, but provides that no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person so attainted. Congress declared the punishment of treason to be death or imprisonment for not less than five years, and by a fine of not less than ten thousand dollars, the freedom of slaves and inability to hold office under the United States. Under the Constitution any one charged with treason has a right to a speedy and public trial by an impartial jury of the State and district wherein the crime may have been committed, which district shall have been previously ascertained and fixed by law, and to be informed of the nature and cause of the accusation by presentment or indictment of a grand jury. They cannot be tried in any other place or manner. The war embracing as it did the great mass of the people in the States and districts where it was mostly carried on, and the prevalence of the belief of the people there in the lawful right of secession, together with the conspicuousness of the principal leaders, and the notoriousness of their participation in it, in effect put a bar to all punishment for the crime of treason, under the Constitution. All the provisions of the Constitution for its punishment were rendered inoperative, as it were, there was no such thing as jurors, such as the Constitution contemplates, in these States and districts, to sit in cases of treason. All had made up their minds on the question of treason and secession, and those believing in the right of secession would not, of course, find one guilty of treason who had only attempted secession; and the notoriousness of the participation of the principal leaders, the ones that ought to be punished, was such that few, if any, of those who believed levying war against their Government was treason, when examined as jurors could say they had not made up their minds as to the guilt or innocence of the accused. Besides the great majority of them were themselves guilty, and one would scarcely expect them to render verdicts of guilty that might be pointed to as precedents against their own lives, liberty, property, and eligibility to office.

The result of the war upon the Constitution, then, in so far as it relates to treason and its mode of punishment, was to render the infliction of punishment so uncertain as to destroy its usefulness as a preventive of treason almost entirely, as well as to render the Government in a measure powerless to inflict any of the pains and penalties prescribed for it upon the leaders of the rebellion; for unless conviction for the offence could be had no punishment whatever could be imposed. No one could be put to death for treason, no matter how much the safety of society demanded it; no one could be imprisoned or fined for it; no confiscations of property or forfeitures of real estate for the lifetime of the person convicted, the constitutional limitation to such forfeitures, could be had, nor could any one guilty of treason be held incapable to hold office under the United States. These convictions could only be asked for from the communities most deeply stained with treason, and their refusal was almost certain.

THE CONSTITUTIONAL AMENDMENT.

Thus, at the end of the most gigantic civil war that ever attempted the destruction of a nation, the Government found itself powerless to punish those who inaugurated and directed it in its fell purpose. The third section of the constitutional amendment, now pending, in a measure gets over the obstacles the rebellion has placed in the way of punishing treason, and makes its punishment certain to the extent it goes. It provides that no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability. This is not only magnanimous to the people in rebellion, but it is a wise precaution against treason; it renders none ineligible to office except those who had, previous to their rebellion, held office under the United States or States, and taken the oath to support the Constitution of the United States, which, by the Constitution, they were expressly required to take. To this exception, it seems to me, no reasonable objection can be had. To those included in it was once intrusted the power of the Government, and had they been true to their offices and their oaths, there could have been no rebellion; and had it been attempted, the Govern-

ment could have given that protection to the people in the rebellious States they were entitled to; but the unfaithfulness of these officers rendered the Government powerless to prevent the rebellion, or to protect those of its people who would have been loyal could they have had protection. Those rendered ineligible to hold office are not disfranchised, but all the rights appertaining to citizens are theirs to enjoy, save that of holding office. Every other citizen of the United States who has the requisite qualifications, no matter how conspicuous he was in the rebellion, no matter how hard he fought against the Government, is eligible to any office, civil or military, State or Federal, even to the Presidency. If this is not magnanimity, what is?

This amendment empowers Congress, by a two-thirds vote, at any time to remove the disability it imposes. Let the persons to whom the disability attaches pursue a wise course in support of the Government, and they may look forward to a time, and that, too, at no distant day, when their disability will be removed, and all the rights of citizens restored to them.

THE PUBLIC DEBT.

Another result of the rebellion upon the people of the United States was the entailing upon them of a public debt of two thousand five hundred millions of dollars, and obligating the payment of large sums, for pensions and bounties, for services in suppressing it. The rebel government and States, in aid of the rebellion, had an outstanding indebtedness of about two thousand millions of dollars, and obligations for pensions, too, in aid of it, and the claim of payment for emancipated slaves was unsettled.

Who could say that there might not be danger at some time of the repudiation of our public debt and of our obligations for pensions and bounties, or assumption of the rebel debt and its obligations, and payments be made for emancipated slaves? It is hard to tell what a people who had lost so much by the war as those of the rebellion lost might not be stimulated to do to avoid the payment of a debt and obligations directly incurred in producing that loss, or what two thousand millions of money, aided by the millions claimed for emancipated slaves, might not effect in the Legislatures of the seceding States, or even in the Congress of the United States.

THE REBEL DEBT AND PAYMENT FOR EMANCIPATED SLAVES.

The purposes of the fourth section of the constitutional amendment is the settlement of these questions. It provides that the validity of the public debt of the United States authorized by law, including debts incurred for the payment of pensions and bounties for services rendered in suppressing insurrection or rebellion, shall never be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void.

It may be said that this amendment is unnecessary, that no one would think of repudiating our national debt, or our obligations for pensions and bounties; that if they did, the amendment would be no preventive; they would only have to elect a Congress that would refuse the necessary appropriations to meet them; and that it was idle to think of either the United States or any of the States assuming the rebel obligations or the payment of claims for emancipated slaves. To this it may be replied that it will be difficult to find any one to go before the people and advocate the repudiation of an obligation expressly declared in the Constitution, when, but for its being so declared, they might be found. And as to the rebel obligations and the payment for emancipated slaves, it not only settles them forever, but will make men cautious about giving credit to such rebellions in future.

Of the necessity of these amendments to settle the questions that had been involved in the war and resulting from it there can be no doubt, yet all the seceding States, excepting Tennessee, rejected them as an infringement upon their constitutional rights.

REPUBLICAN STATE GOVERNMENTS IN THE SOUTH.

Was Congress correct in its decision that the States lately in rebellion have illegal or anti republican forms of government? Of the want of protection of the persons and property of freedmen there is no question. James Madison, in discussing the conformity of our Constitution to republican principles, in answer to the question, "What, then, are the distinctive characters of the republican form?" which he put, said: "If we resort for a criterion to the different principles upon which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable portion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the

honorable title of republic." This we hold to be the true definition of a republican form of government in the sense in which that term is used in the Constitution. Do the forms of government in these States come up to this definition? It may be replied that these States had republican forms of government under the Constitution and Union before the rebellion, or the withdrawal of their representation from Congress, and that their rights under the Constitution and Union were not affected by these acts; that they are still in the Union, and never were out. To the proposition that they are still in the Union and never were out we subscribe, and shall continue to subscribe, while we remember the dead heroes whose eyes, before they were glazed in death, mirrored all the stars upon our flag, and who in their hearts believed, before they had ceased to beat, that they represented freedom, Union, and the indestructibility of States.

But the republican character of their State governments was affected by these acts in so far as they resulted in admitting a class of freemen into, and constituting them a part of, the society or people of these States, so long as the right to participate in the affairs of State is withheld from them. It is only to States in the Union that the Constitution guarantees republican forms of government. In discussing this provision of the Constitution, James Madison, in answer to the questions that it was not needed, and that it might become a pretext for alterations in State governments without the concurrence of the States themselves, said: "If the interposition of the General Government is not needed, the provision for such an event will be a harmless superfluity in the Constitution; but who knows what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign Powers. To the second question it may be answered that if the General Government should interpose by virtue of this constitutional authority, it will be of course bound to pursue the authority. But the authority extends no further than to a guarantee of a republican form of government, which supposes a preëxisting government in the form which is to be guaranteed. As long, therefore, as the existing forms are continued by the States they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guarantee for the latter; the only restriction imposed on them is that they shall not exchange republican for anti-republican constitutions, a restriction which it is presumed will hardly be considered as a grievance."

Before these States attempted secession, and while their relations with the Government were undisturbed, there were about one hundred thousand free persons who, on account of their race and danger to slavery, were denied any voice in their government. And there were of the same race over three and one-half millions who were, in the language of James Madison, "by the compromising expedient of the Constitution, regarded as inhabitants, but debased by servitude below the equal level of free inhabitants, which regarded the slave as divested of two-fifths of the man." Under the Constitution they were not regarded as a part of the society of these States entitled to a voice in the Government; and while this compromise continued, denial of it to them did not affect their republican forms. But these States, in their own caprice and the ambition of enterprising leaders, relying, too, upon the aid of foreign powers, withdrew their representation from Congress, organized a government of their own, declared by themselves to be in direct opposition to the ideas upon which ours was founded, and, by the most bloody war that ever deluged a land with blood, maintained it for more than four years, forcing us, in order to overthrow it and save the Union, for which the compromise of the slaves' manhood was made, to free the slaves, and restore to them their manhood. At the close of this bloody struggle, instead of one hundred thousand free persons to whom is denied a voice in their Government, we find nearly four millions.

WHEN SOUTHERN STATE GOVERNMENTS CEASED TO BE REPUBLICAN.

The compromise of the Constitution that saved to these States republican forms of government, and exempted them from the Madisonian definition of one, was swept away in their mad attempt at secession. And their governments, derived as they are in some of them from a minority of the people, an inconsiderable portion of the society, instead of from the great body of it, from which it is essential to the republican character they should be derived, and in all the others from a favored class of society which is destructive of the republican character, and who do not afford to the other class the proper protection of persons and property, guaranteed to them by the Constitution; when that class, too, from whom they are not derived, was the only one in many of them who fought to maintain the Union and the rights of States unimpaired, fall far below the Madisonian definition of a republican form of government in the sense of that term as used in the Constitution. In view of these facts, to hold otherwise would be not only degrading of the character of republics, and violative of the laws of nations under whose shield persons made free by war are, but an outrage made

upon the rights of those who helped to fight for the Union and the rights of the States under it; and we "would deserve and receive the universal rebuke and reprobation of mankind."

OBLIGATION OF THE GENERAL GOVERNMENT TO GUARANTEE REPUBLICAN STATE GOVERNMENTS.

The Constitution guarantees to each State in this Union a republican form of government, and also provides that no person within this Union shall be deprived of life, liberty, and property without due process of law. That is to say, if any State in this Union, in its own wrong, ceases to be republican in form, the Government will restore it to a republican form; or if a State fails or refuses to protect persons within its jurisdiction in their lives and property, the Government will give that protection. The manner in which, and the means to be used in executing these constitutional obligations are for the President and Congress to decide, and if they deem it necessary they may make use of the army. In fact, ever since those States withdrew their representation from Congress, and organized a government in hostility to the republican idea upon which the Union was founded, it has been deemed necessary by the President and Congress to use the army—first, to break down and destroy their governments in hostility to the Union, and secondly, to enable them to revive and put in motion the State governments they had when they attempted secession, and adapt them to the new condition of society. But as they, in their adaptation of these governments to the new state of society, failed to come up to the requirements of the republican form, and refused their assent to the amendments of the Constitution where its provisions had been affected or impaired by the war, and failed to properly enforce the civil rights bill for the protection of life and property, it was continued there.

THE MILITARY RECONSTRUCTION BILLS.

The manner and means decided to be necessary for the execution of these constitutional obligations, and the restoration of these States to their proper relations with the Government, are set out in what is known as the military reconstruction bills. They are divided into five military districts, subjected to the military authority as prescribed in the bills, and each district is commanded by an officer of the army, whose duty is to protect all persons in their rights of persons and property, to preserve order, and cause criminals and disturbers of the peace to be punished; and to that end he is authorized to allow the local civil tribunals to try offenders, or when in his judgment it is necessary he may organize military commissions to try them, but no sentence of death can be carried into effect without the approval of the President.

To enable the people of each of these States to form a constitution in conformity with the Constitution of the United States in all respects, and extending the elective franchise to their male citizens twenty-one years old and upward, of whatever race, color, or condition, who have been one year resident of the State previous to any election—except such as may have been disfranchised for participation in the rebellion or for felony at common law—and to enable them to participate in the present governments in those States until the new constitutions shall go into effect, the right of suffrage is extended to all male citizens, irrespective of color or previous condition, who can take an oath that they have been, for one year previous to the election or registration, residents of the State, and twenty-one years old, and have not been disfranchised for participation in any rebellion or civil war against the United States, and have never been members of any State Legislature nor held any executive or judicial office in any State and afterward engaged in insurrection or rebellion against the United States, or given aid and comfort to the enemies thereof, and have never taken an oath as member of Congress or officer of the United States, or as member of any State Legislature, or executive or judicial office of any State to support the Constitution of the United States, and afterward engaged in insurrection and rebellion against the United States, or given aid and comfort to the enemies thereof; and to all who cannot take this oath the exercise of the elective franchise is denied, but the moment the new constitutions go into effect the denial of its exercises ceases. Because of their exercise of the offices they once held against the Government and their unfaithfulness to their oaths to support the Constitution, the right to exercise the elective franchise and to hold office is withheld from them until the will of the people of the States shall be made known through their constitutions respectively. When these States respectively shall have adopted their new constitutions and organized their governments under them, and the Legislatures of their new governments shall have ratified the constitutional amendment now pending, if Congress approves of their new government as republican in form, their representatives will be admitted to their seats in Congress.

These acts and the disabilities they impose are temporary, and are to end upon the accomplishment of their purpose, namely, the restoration to these States of republican forms of government, secure the protection of life and property, and settle the questions of the war affecting the Constitution and people of the United States.

THE ELECTIVE FRANCHISE

is the only sure protection to person and property. It gives one a voice in government, secures to him respect, and insures him the equal benefit of the laws. And when these acts have accomplished their purpose, there will be no male citizen in all these States, of the age of twenty-one years or upwards, except such as are disfranchised for rebellion, or felony at common law, who is not entitled to this right of suffrage, to this voice in their government. The only disability attaching to any such citizens will be that imposed by the third section of the constitutional amendment.

THE RECONSTRUCTION ACTS CONSTITUTIONAL.

That the objects and purposes of the acts are constitutional, there can be no reasonable question, nor do I think the manner and means adopted by the Government to secure these objects unconstitutional. They are in the nature of a writ or execution issued by a court upon a judgment or decree that it has arrived at after a full hearing of the facts and examination of the law in the case, in the hands of a sheriff to execute. If it is for the possession of houses and lands, he goes to the occupant, and if he gives up the possession to the person entitled to it peaceably and in obedience to the writ, that is the end of it; but if he refuses to give up the possession, in virtue of the authority of his writ of execution, he calls in the *posse comitatus*, or power of his county, and puts him out by force, and restores the possession to the rightful person, and that is the end of the writ and the authority of the officer under it.

So the Government having, with a full knowledge of the facts, and their constitutional obligations, determined the necessity of restoring to these States republican forms of government, and of securing to all the people thereof protection in their persons and property, and of settling the questions affecting the Constitution and people resulting from the war, issued its order, the purpose of which is fully set out therein, and placed it in the hands of officers of the army of the rank therein named, with authority to exercise such military power as was necessary to the execution of the purpose of their order, and the moment this purpose is executed their authority ceases. That the use of the military authority contained in these laws was necessary to enable the Government to perform its constitutional obligations, there is no doubt. In all its efforts through the civil authorities it had, we might say, wholly failed. And under the provision of the Constitution authorizing Congress to make all laws necessary and proper for carrying out the powers vested by the Constitution in the Government, the President and Congress are the judges of the necessity, and having determined it, the validity of their acts, being purely political, cannot be questioned. The decision of the Supreme Court in a case involving the constitutionality of the charter of the United States Bank is applicable to this. In that case the charter was sustained on the ground that the bank was a necessary fiscal agent of the Government, the court holding unanimously that, "If the end be legitimate, and within the scope of the Constitution, all the means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect; that if a certain means to carry into effect any of the powers especially given by the Constitution to the Government of the Union be an appropriate measure, not prohibited by the Constitution, the degree of its necessity is a question not of judicial cognizance."

THE EMANCIPATION AMENDMENT.

It may be asked what becomes of the constitutional amendment abolishing slavery which the Southern States have ratified, if they have illegal or anti-republican forms of government. The answer is they are governments *de facto*, nevertheless, and acts of theirs, especially those directly tending to the settlement of the questions involved in the war, or to render unquestionable the acts of the Government necessitated by the war, if accepted and ratified by the Government, as their action in this case has been, are binding and valid to all intents and purposes. Besides, it is not admitted that the amendment was not valid without their concurrence. To hold that it was not would be to admit a weakness in our Constitution inconsistent with the national life it is intended to perpetuate.

WERE THE SECEDED STATES NECESSARY TO ITS RATIFICATION?

At the time of the attempted secession of the Southern States there were in this Union thirty-four States, twenty-three of which constituted the required two-thirds to apply for a convention to propose amendments to the Constitution. Had the eleven who withdrew from Congress and made war upon the Government succeeded in getting one more to do so, which they came near doing, one of the modes provided for the amendment of the Constitution would have been gone to us if we held to the construction that those do who insist that an amendment to the Constitution to be valid must be ratified by three-fourths of all the States, no matter what their relations or attitude to the Government may be. And that is not all; it would render questionable the constitutionality of an amendment proposed by two-thirds of a Congress in which less than two-thirds of the States were represented, and might even make questionable the validity of an

amendment proposed by two thirds of a Congress in which only two more than two-thirds of the States were represented.

By this rule of construction, had one more of the States gone into rebellion and no new ones been admitted, the result of the election for President and Vice President in 1864 might have been such as to have ended the Government under the Constitution altogether. Had General Fremont continued in the canvass and divided the electoral vote between the three candidates for President and Vice President, respectively, so that no one had the required majority to an election, as was the case in 1824, there would not have been a quorum of two-thirds of all the States in the House of Representatives, or of two-thirds of the whole number of Senators in the Senate, for the election of either President or Vice President, as provided for in such cases. And as Congress is only empowered to provide by law for the case of removal, death, resignation, or inability, both of the President and Vice President, and not for the case of a failure to elect a President or Vice President, on the 4th day of March, 1865, the office of President and Vice President of the United States would have expired, with no authority in the Constitution for their revival, and our Government under the Constitution would have been at an end. Even with the States that were represented, had the election resulted as supposed, by this rule of construction the eleven States at war against the Government and their Senators would have counted against the candidate having the highest number in either House, getting a majority of all the States, or of the whole number of Senators. The Constitution should never be construed so as to defeat itself, or the rights of the people and States under it.

UNIVERSAL SUFFRAGE.

It is to be hoped that all the States that have not conferred the right of suffrage on the emancipated race may deem it the part of wisdom, as well as justice, to do so at the earliest practical period, and not by delay in doing so compel an amendment of the Constitution for that purpose—an amendment which, with the aid of the eleven Southern States, in which it is extended to them, would be sure to be adopted. It may be thought by some that these States could not be relied on for such aid, because of the hope that may exist among their white citizens of securing at some time the disfranchisement of the colored citizens, as was once done in North Carolina and Tennessee; but if there is any such hope it will be forever dissipated by a clause that I have no doubt will be inserted in all of their constitutions, providing that no amendment to them shall ever be made abridging the elective franchise as therein declared.

NO DANGER FROM EXTENSION OF THE ELECTIVE FRANCHISE.

There need be no apprehension of danger to our institutions from the extension of the elective franchise to the African race on account of their great number and ignorance. The love of liberty and of the forms of free government are too much a part of the American character ever to be affected in any such way. The men of the South who made the determined and desperate fight for the enslavement of the African because of his value as property, nevertheless love and appreciate liberty for themselves. And the African, elevated from the degradation of slavery, rendered respectable by his voice in government, admitted to all sources of intelligence, inspired by the same love of freedom, speaking the same language and worshipping the same God, will rise rapidly in the scale of knowledge and the cloud of ignorance that envelopes him will as rapidly pass away, and he will not fail "to help to keep the jewel of liberty in the family of freedom." And that peace so long desired, but which can never be had in a government like ours while a political right accorded to one is denied to another, will prevail through all the land.

NO DANGER FROM THE ARMY.

Nor need fears be entertained of danger to the people's liberties from the army. The army is of the people, and has ever been with the Government, and no one has been, or ever will be, mad enough in their purpose to destroy the liberties of the country to rely upon its assistance. On the contrary, the first thing they would do would be to get rid of it. What did the leaders in the rebellion just closed do? With the Secretary of War, (Floyd,) the adjutant general of the army, (Cooper,) the quartermaster general of the army, (Joe Johnston,) and the chief of staff to the lieutenant general commanding the army, (Lee)—all in their interest, did they concentrate the army in the neighborhood of Richmond or Harper's Ferry, that they might at the opportune moment seize the capital and Government of the United States? Far from it. They placed it beyond the people's reach, virtually abolished it, and sent our ships of war into the furthest seas. They knew too well, when the hour of trial came, on which side the army and navy would be found; that "Yankee Doodle," and not "Dixie," would be the tune they would march and fight to.

At the close of the rebellion among no part of the people of the country was there a greater desire to be found than in the army for the immediate restoration of the people in the rebellious States to their rights of civil government, and the withdrawal, at the earliest practicable moment, of military authority from among them. And to-

day, whatever may be said to the contrary, there are no men in all the United States more anxious to have the people of the South comply with the requirements of the Government, that they may be relieved of the exercise of the authority that has been imposed upon them, than are the five military commanders there. And whatever they may do, you may rest assured, is intended by them to facilitate the complete restoration of civil authority, and to end their military power.

NO DANGER FROM THE SUPREME COURT.

Nor need the people have fears of danger to their liberties from the Supreme Court of the United States. Its recent decisions on the military commission and test-oath cases, that seemed to create such uneasy apprehensions in the public mind, were in the interest of individual liberty and the vindication of men's rights under the Constitution, and not the imposing of disabilities on them. They do not seek to deny the validity of military tribunals in States and districts where all civil tribunals were suspended or destroyed by actual war, or where, resultant from that war, the civil tribunals had ceased to protect society by the punishment of offenders against it. They are far different from the decision in the Dred Scott case, which, after denying a man's right to a hearing in court on the question of his freedom and remanding him to bondage, sought to doom the very earth to constitutional slavery.

Government, in the exercise of its war powers, may find it necessary sometimes to deal arbitrarily with individual rights, or in the tread of mighty armies they may be trampled under foot, but they are never lost sight of by an independent and honest judiciary. Much has been said of the power of one of the judges of the Supreme Court, in cases where the court is equally divided, to declare unconstitutional and void a statute or act of the United States which has met the approval of both the other departments of the Government, or been passed by the requisite majority in both houses of Congress, who, equally with the Supreme Court, are judges of the constitutionality of their own acts. By the Constitution the people vested the establishment of the Supreme Court in Congress, and extended its jurisdiction to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which might be made, under the authority of the United States.

Suits are usually brought to obtain decisions, and the simpler and less difficult the mode of arriving at them is the better it is for the suitors. And Congress and the President in its establishment, perhaps, had more in view the interests of suitors than decreasing the chances of their own acts being declared null and void by requiring the concurrence of a greater number of the judges in any opinion having that effect. Otherwise they would have gone to the Constitution and ascertained what rule the people, whose agents they were, adopted relative to the other departments of Government, or affecting the Constitution, and applied the rule they there found to all decisions of the court invalidating any law or act of the United States.

If the executive department of Government disapproves of any law or resolution of Congress requiring its approval, two-thirds of both houses are required to concur in its passage or adoption. To convict the President in case of impeachment, two-thirds of all the Senators present must concur. To expel a member from either branch of Congress, two-thirds of the branch to which he belongs must concur. When the choice of President and Vice President devolves upon Congress, it requires a quorum of two-thirds of the several States to be represented in the House of Representatives to enable them to choose the President, and a quorum of two-thirds of the whole number of Senators to enable the Senate to choose the Vice President. To propose amendments to the Constitution, two-thirds of both branches of Congress must concur, or the Legislatures, or conventions of two-thirds of all the States must join in proposing them. To enter into any treaty with foreign nations, requires the concurrence with the President of two thirds of the Senate. To require the concurrence of all the judges would enable any one of them to prevent any decisions, and destroy the greatest constitutional purpose of the court altogether.

FREEDOM OF SPEECH.

At the commencement of the rebellion, in fifteen States of this Union, except in one or two places, that provision of the Constitution that Congress shall never make any law abridging freedom of speech or of the press was, when they related to the subject of slavery, entirely nullified. No one could speak or print anything against the impolicy or evil of it, or in favor of its abolition, and in the other States and Territories it was seriously impaired by the same subject—the only one that ever did seriously affect it. Now that it is gone, and the people whose rights it involved are having those rights restored to them, may we not reasonably hope that freedom of speech and of the press may obtain to their pristine vigor in all the United States of America, never again to be impaired. When the measures of the Government for the restoration of the seceding States to their proper relations in the Union are consummated, the supremacy of the Constitution will be maintained, and the Union preserved with all the dignity, equality, and rights of the several States unimpaired.

There will be representatives in Congress from every one, and the State governments of each will alone afford protection to persons and property, and regulate in their own way their domestic affairs.

"MANHOOD SUFFRAGE" ELSEWHERE.

And in our example "of a government of the people and by the people" will be echoed back to Ireland through the extension of the elective franchise to all classes of Englishmen, rich and poor alike; her shout of "manhood suffrage" in her recent but vain attempt to throw off the yoke of the oppressor, and the land of Burke, who fought in America for that high boon to all, through it will be free.

The right of searching merchant ships and vessels of neutrals in time of war, in denial of which we made the war of 1812, which ended in peace without its settlement, has been settled in the one just closed, by Great Britain's taking substantially the same ground that we then held, and still hold, in her denial of it in the Trent case. The reason for this change of ground was her impatience to see perish from the earth the only Government whose example, if a success, endangered the titles of English peers and princes to their right to govern, without its having been, in each individual case, confirmed by the people through the ballot-box.

THE MONROE DOCTRINE.

The practicability and effectiveness too of the Monroe doctrine, which was regarded by foreign powers as American electioneering buncombe, has been firmly established by the result of the war, in Louis Napoleon's withdrawal, at our behests, of his troops, and abandonment of his idea of empire on this continent, although it left the one on whose brow his hand had placed an Imperial crown to be captured, and notwithstanding our intercession, shot by the people whose rights he had usurped.

OUR EUROPEAN NEIGHBORS.

Russia, in a spirit of amity, has relinquished to us all her vast possessions in America, and England is quietly preparing for separation from the Canadas. Separation is what their Confederation means. England, too, manifests a disposition to settle the claims for damages done our merchantmen by privateers fitted out in her ports in aid of the rebellion; but should she fail in properly adjusting them, it may become the duty of the people's representatives to issue their writ in the form of a declaration of war for the seizure of her possessions in America in satisfaction of these claims, and thereby facilitate the departure of the last foreign power from this continent.

WHITHER WE ARE TENDING.

We are coming into the realization of a republican government, the grandeur and glory of which was in the contemplative minds of Jefferson and Madison, and had the same state of society existed at the end of their rebellion as existed at the end of ours, the inheritance of it and its blessings from them would have been all that remained to us to do. But as it unfortunately was not the same, it has cost us more than half a million of lives of the flower of youth, intelligence, and energetic manhood, and a national debt and obligations of nearly three thousand millions of dollars. To meet the accruing interest on this indebtedness, and the payment of pensions, and bounties, and the current expenses of the Government, which are large, requires millions of revenue, which is derived through taxes and tariffs. In view of these facts, is it not the part of wisdom and sound policy to aid in the settlement of the questions now in process of settlement, rather than put obstacles in the way? When this is done the military force in the South can be withdrawn, and employed in the protection of the great routes across the continent, and the settlement of our Indian troubles, and exploration of our yet unexplored mining regions, if their services should be required there, and if not, the army could be reduced to the standard necessary to these purposes. The Freedmen's Bureau would no longer be a drain upon the national treasury; the civil rights bill would enforce itself. And Congress could give its undivided attention to our financial policy, national economy, and development of our resources.

Political economy would then become the study of our representatives to the proper discrimination of the articles to be taxed, or on which duties are to be imposed, that their burdens and benefits may be extended equally to all sections of the country, as well as to the best mode of their reduction.

With a wise and economical administration of public affairs, and all the energies of this mighty people directed to the development and making available of our unsurpassed mineral and agricultural wealth, may we not confidently hope the financial future of our country will equal the desires of its most ardent friends?

OUR INFLUENCE UPON OTHER NATIONS.

Our geographical position, the development of our great military character and resources, and our leniency to the subdued, give us a power and influence among the nations none other ever had. And, if we are but true to the principles of our Christianity and republican government—making honesty and virtue necessary passports to private and public station, we may hope to see the "standard of our Republic still high advanced," and the ægis of our power spread over this continent protecting our sister republics—grown strong in virtue and self-reli-

ance, in our example—from the influence and dangers of monarchism.

And if our experiment of manhood suffrage to all, without distinction of race, proves the success we believe it will, we may hope to see engrafted upon of the world, and the inalienable rights declared by our fathers, in their Declaration of Independence, enjoyed by all mankind

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